

REMARKS

Applicants have carefully reviewed the Final Office Action mailed May 5, 2004. Favorable reconsideration is respectfully requested in light of the following comments. Claims 1, 2, 4-18 and 22-24 are pending.

Applicant respectfully traverses the Examiner's rejection of claims 1-2, 4-15 and 19-24 under 35 U.S.C. § 103(a) as unpatentable over Steen et al., U.S. Patent No. 6,213,995. The Examiner has asserted that it would be obvious to substitute tungsten for the platinum taught by Steen et al. This is incorrect. Steen et al. are directed to forming braided flexible tubing that includes signal transmitting elements. The signal transmitting elements can be electrically conductive wires or optical fibers. Wires 44, to which the Examiner refers, are electrically conductive wires. As described by Steen et al., wires 44 can be formed from a variety of different metals.

In order to make an electrically conductive wire, one of ordinary skill in the art would be motivated to use a material having a sufficient degree of electrical conductivity. The Examiner is correct in noting that tungsten does have a relatively higher electrical conductivity than platinum. However, this is irrelevant because both platinum and tungsten are known to be relatively poor conductors of electricity. Thus, one of ordinary skill in the art, having read Steen et al., would not be motivated to select tungsten based on the disclosure of platinum for wires 44. If conductivity was the only factor, one would clearly choose the highly conductive copper materials listed by Steen et al. There is no motivation to substitute tungsten, and Steen et al. have not included this material even though a list of materials is provided.

Rather, Steen et al. appear to teach the use of various copper and copper alloy materials for forming the wires 44. One of ordinary skill in the art will recognize that these materials are clearly superior to either platinum or tungsten with respect to electrical conductivity. Despite the fact that Steen et al. include platinum in their list of possible metals, the only reasonable suggestion to substitute tungsten therefor would appear to come from the Examiner.

Therefore, Steen et al. cannot reasonably be considered as describing or suggesting the use of tungsten. For at least this reason, the pending claims are patentable over the cited art. Favorable reconsideration is respectfully requested.

Moreover, the Examiner has asserted that it would be obvious to include tungsten because "it is always desirable for a medical catheter to be radiopaque...". This is not correct. For example, if the catheter itself is completely radiopaque, it will be difficult or impossible to monitor the position of a radiopaque device positioned within the catheter. If the Examiner persists in asserting that it is always desirable for a medical catheter to be radiopaque, the Examiner is invited to provide either a suitable reference or a signed Affidavit attesting to this position.

Applicant respectfully traverses the Examiner's rejection of claims 16-18 under 35 U.S.C. § 103(a) as unpatentable over Steen et al., U.S. Patent No. 6,213,995, in view of Sater et al., U.S. Patent No. 6,068,622. Steen et al. are distinguished as above as failing to teach the invention of claim 14. Claims 16-18 depend from, and further limit, claim 14 and thus are similarly patentable over Steen et al. Sater et al. fail to remedy the noted shortcomings of Steen et al. Thus, the claimed invention is patentable over the cited combination. Favorable reconsideration is respectfully requested.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

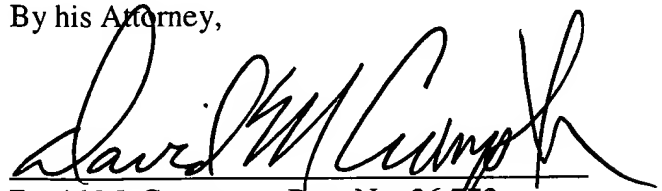
Respectfully submitted,

Henry J. Pepin

By his Attorney,

Date: _____

7/2/04



David M. Crompton, Reg. No. 36,712
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349